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THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO APPROVAL OF THE CHAIRPERSON OF THE WORKING GROUP SUB-GROUP AND TO RATIFICATION BY THE WORKING GROUP SUB-GROUP AT ITS NEXT MEETING.

MINUTES OF THE EIGHTH MEETING OF WORKING GROUP 1 SUBGROUP 2 HELD AT THE WORLD TRADE CENTRE ON 21 APRIL 1992.

PRESENT : SEE ADDENDUM A

LV Ntsubane (Chair)

T E Motumi (Minute Taker)

A Schoeman (Secretary)

1. Convenor's opening remarks

1.1 The convenor welcomed the delegates after the Easter recess. He stated that a number of issues still had to be discussed and that there is only one more meeting of the SG scheduled before CODESA I. The Steering Committee had agreed to cancel the meeting previously scheduled for Saturday 25/04.

2. Attendance and apologies

The DP notified the meeting that Mr Lorimer would attend in Mr J van Eck's place, with Mr Bester as advisor. The ANC said Mr J Selebi would replace Mr P Langa as advisor. The IFP apologised on behalf of Mr Mncwango, who had encountered transport problems.

3. Adoption of Agenda

The agenda was adopted, with the addition of item 4.1 to be report from the SG rapporteur.

4. Ratification of minutes

Point 6.6.3 in the minutes of 07/04 should read..."it was agreed, a substitute of ...it was recommended." 235

5. Report from rapporteur

5.1 The report from the rapporteur was tabled. The government stated that the report was acceptable but that they themselves could not commit themselves until they had had the opportunity to study it thoroughly.

6. Matters Arising

The government agreed to points 6.8.1 to 6.8.3. However 6.8.3 was amended to read that "... where circumstances permit".

7. Continuation of discussion:NPA

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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SG2M2104.WE (3)

Neighbourhood watch groups: There was agreement that it be recommended to the NPS that urgent steps be taken by the RDRCs/LDRCs to encourage the formation of non-partisan community based self protection units/neighbourhood watch, as provided in clause 3.7 of the NPA. These would promote peace and combat crime.

Dangerous weapons: It was agreed that stronger measures be taken against those found in possession of illegal firearms and the carrying and displaying of such in contravention of regulations in the NPA, clause 3.6.4.

It was further accepted:

That police should increase their searches for illegal firearms and other dangerous weapons

When persons are arrested for the possession of illegal firearms or dangerous weapons, their political affiliation or lack thereof should be recorded where possible.

The above should be undertaken within the context of the impartial control of the police.

SG2M2104.WE (3)

ADDENDUM A
AFRICAN NATIONAL CONGRESS J.Zuma
J. Selebi

BOPHUTHATSWANA GOVERNMENT KCAV Sehume

CISKEI GOVERNMENT L Maqoma
M Maki

DEMOCRATIC PARTY R.J Lorimer
HJ Bester

DIKWANKWETLA PARTY JSS Phathang
M.H.Cunukelo

INKATHA FREEDOM PARTY Dr Madide
I Mars

INTANDO YESISWE PARTY ES Masango
JL Ntuli

INYANDZA NATIONAL MOVEMENT P R Mahlalela
MJ Twala

LABOUR PARTY J Scholtz

NIC/TIC E Ebrahim
M Shaik

NATIONAL PARTY BL Geldenhuys
LH Fick
GB Myburgh

NATIONAL PEOPLEâ\200\231S PARTY AK Beesham
D Chetty

SOLIDARITY PARTY P Naidoo
CF Thandroyen

SOUTH AFRICAN COMMUNIST PARTY R Kasrils
M Scott

SOUTH AFRICAN GOVERNMENT HJ Kriel
LCA Pruis

TRANSKEI GOVERNMENT LV Ntsubane
M Mpahlwa

UNITED PEOPLEâ\200\231S FRONT MI Moroamoche
S Maja

VENDA GOVERNMENT NE Mulaudzi
ME Ramulondi

XIMOKO PROGRESSIVE PARTY SDW Nxumalo

E Mathe

ADDENDUM B

SG2M2104.WE (3)

RAPPORTEUR REPORT TO THE MEETING OF WG 1 SG 2 ON 21 APRIL 1992.

1.

Regarding the recommendations of the RDRC

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in relation to the SAP

1.1.1 The meeting agreed that the RDRC could make recommendations to the SAP as to:

1.1.1.1 The selection of top police officers for township police stations.

1.1.1.2 The appointment of officers commanding and members of special police investigation unit established i.t.o clause 3.2.2.6.

1.1.1.3 Where circumstances permit, determining the nature of police action in conflict areas, u, the nature of security force action, the duration of their action, the SAP and SADF mix in these actions, the timeous negotiations between the security forces and the community leaders to defuse hostility, etc.

in relation to other police forces:

the meeting encouraged all other police forces to adopt the above approach as soon as possible.

Regarding self protection units/neighbourhood watch groups as reflected in clause 3.7 of the NPA.

21 This meeting agreed that we recommend to the NPA that the RDRC/LDRCâ\200\231s take urgent steps to encourage the formation of nonpartisan community based self protection groups/neighbourhood watch groups, as provided for in clause 3.7 of the NPA, in order to promote peace and the effective combat of crime. These self protection units/neighbourhood watch groups should work in close cooperation with the relevant police authorities.

2.2 We further recommend that the RDRCâ\200\231s/LDRCâ\200\231s should take steps to monitor the activities of such formations and to encourage cooperation between such formations and the relevant police authorities.

It was that:

Regarding dangerous weapons:

3.1 Stronger criminal sentences should be imposed for the possession of illegal firearms and the possession, carrying and displaying dangerous weapons or other firearms in contravention of the regulations issued as provided for in 5.3.6.4 of the NPA.

3.2 The police should increase their searches for illegal firearms and other dangerous weapons.

3.3 When persons are arrested for the possession of illegal firearms or dangerous weapons, their political affiliation or lack thereof should be recorded where possible.

3.4 The above should be undertaken within the context of the impartial control of the police.

ADDENDUM C

SG2M2104.WE (3)

Summary of discussion

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The convenor said the discussion on the NPA was unfinished, it should thus be decided which areas are prioritised.

The government asked for time to go through the rapporteurs report, and report back thereafter.

The SACP said the report gave clear illustration of the areas discussed, and which were the ones outstanding. The most important therefore had to be finalised before CODESA 2, especially as there was only one meeting left.

The convenor said he was under the impression agreement had been reached on point 6 of minutes of 07/04.

The NPP suggested chapter 5 of the NPA be tabled for discussion next week.

The NP wanted to know what was going to happen after CODESA 2-whether WGs would continue with their agendas, especially if they are unfinished.

The SACP in response said a mechanism is needed to resolve the problem raised by the NP .

The IFP said that every item brought back the issue of violence- a solution must emerge on how to stem the tide of violence. It was a shortcoming to say the NPA suffices, when the violence still continued.

The govt agreed with the IFP, and said there was a need to facilitate agreement reached in NPA. Ways of reaching agreement being discussed, and if these were accepted by WG1 plenary, then they could form part of the solution. Once the matter had been discussed, then there must be agreement with what could be done at CODESA.

The SACP also said it agreed with the point about violence, but that the key issue for its resolution was joint control of the security forces, as well as the reconstitution of these areas that CODESA 2 should grapple with.

The IFP said it accepted the sentiments expressed by the SACP, but wanted to know whether achievement of joint control would by itself stop the violence. There were many things which continued to spread and propagate the violence.

The IYP said there should be no mixing up of issues, and wanted to know whether an end to violence was a condition for holding CODESA 2. If it was, then there must be serious reconsideration. The NPA must be looked at and the issues therein prioritised - the SG needed to know how many issues were outstanding.

The NP pointed that there was originally agreement on 10 points, and only 2 had been discussed, so the SG should carry on with the rest.

The SA govt said it agreed with points 6.8.1-6.8.3 of the minutes of the last (07/04) meeting, but add that with regard to the last point, 6.8.3, an addition should be that where circumstances permit.

The NIC welcomed the bold steps that had been taken by the govt and police as far as these

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points 6.8.1-6.8.3 were concerned. The view of other police forces in the TBVC and self governing territories were needed.

The DP wanted to know how the process of consultation was to be gone about if no consensus had been reached on appointment - how would the police resolve this ?

The govt said consensus must be reached to resolve issues. In answer to the DP, a number of people had already been appointed - but where reservations existed, account would have to be taken of such before the final decision is reached.

The Transkei made a point that although they were not signatory to the NPA, it had been introduced within the police force and was currently under study.

The INM saw no problem with the item under discussion, and said it had always regarded its police force as community based, and they were signing the NPA.

The Ciskei said it was awaiting the outcome of the Nat. Peace Sec and was trying to resolve issues in their area. Until favourable decisions reached or received, then no decision would be taken. It is common knowledge as it is that the Ciskei had resigned from the RDRC.

The Bophuthatswana govt pointed out they were not signatories to the NPA, but expressed reservations in a paper that was tabled earlier - which committed Bop to peace. Furthermore, its position hinged on other issues under discussion in the other SGs/WGs.

The IFP said that it had signed the NPA on behalf of the KwaZulu govt, and this included the KZP, which had at all times availed itself to peace-directed activities. The pressure to form the KZP had come from the public, at a time when relations with the SAP were at an all time low. The situation had however changed since then- and now the IFP was being accused of violence and as monsters. In Natal/KwaZulu, there is a problem about the establishment of the RDRCs/LDRCs, and this arose from the belief among the community that belonging to these put one vulnerable to assassination. To date several leaders of the IFP sitting o

n the
RDRCs/LDRCs have been assassinated.

The DP wanted to know if the IFP would go along with 6.8 as agreed to by the SA govt.

In response, IFP said it certainly would, as they are also community based. However on the forwarding of personnel (as suggested in 6.8 of minutes), the IFP would find this difficult as the KZP was small.

On the discussion about the neighbourhood watch groups, the DP said there were two kinds, one by marking property, the other by patrolling of localities by communities. The latter is almost tantamount to usurpation of police duties, so it must be implemented with the utmost caution, as it had the potential to become a vigilante group. The DP therefore suggests it should operate only in coordination with police activities.

The NP said the provision of creation of self-protection units agreeable, but that the self defense units were different, in that they were structured along military lines or revolutionary command.

The govt said that Mr Kasrils (SACP) had earlier talked of closer cooperation between self protection/self defense units with the police. This is in line with the thinking in the SAP, but would ask that he expands.

The SACP in response pointed out it accepted the terminology of the self protection/self

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defense units. It had to be understood that the self defense units emerged at a certain time, and may have an element of a military structure. It was with the concern of the rising level of violence in the townships and the rural areas. The SACP submits that for the achievement of a peaceful settlement, there should be an interim govt and constituent assembly, so as to enfranchise the majority of the people. From the SACP alliance partners, there is interest in implementing the clause on these units as outlined in the NPA.. The point is winning the trust and confidence of the people in the townships. This could be achieved through a workshop approach-of police and communities, spelling out the NPA, and also demonstrating its applicability, as well as utilising its applicability in the flash-point areas around the country.

The DP said there were areas where the proposed workshops with the police had worked, - such as in Phola Park and Thokoza. However we should deal with the situation of heavily armed people outside the police force.

The XPP said the self protection units were intimidatory, and the people were in addition of being afraid of the police, intimidated by these unit. The XPP put it on record that if these self protection units were to be allowed, then there must be proper workshops and they must receive their support.

The IFP saw the biggest problem as the political leaders' attacks on one another in public platforms and the media. This had the tendency to diminish the trust amongst their followers. Secondly, the media also sympathised with some people, irrespective of what occurs on the ground - which is in more cases than one portrayed as an ANC/IFP clash.

The SA govt said it would welcome the extension of the neighbourhood watches/self protection units, but they could not be part of any political party, but must represent the whole community, or they would lose credibility. The govt sees neighbourhood watches/units as

protecting people against crime on the ground. The NPC's hand must be strengthened in this regard.

The NPP agreed with the government in the formation of the LDRCs, and said these would over time make suspicions disappear. Experience had shown there was no longer reaction against the policing departments over time, so the neighbourhood watches could be formed and fall under the LDRCs.

The ANC said it agreed with most of what the government/NPP said, there needed to be a programmatic approach, the units would work well with the police, especially if placed under LDRCs/RDRCs. It would also guarantee that there was no domination of any one political party, as the committees would provide leadership.

The convenor said there seemed to be agreement on the issue thus far, but the IFP said it had been accused of killings. How were the self protection units going to protect people who were being ruthlessly killed in their sleep. The accusations/counter-accusations must stop.

The SACP said whilst noting the IFP's concerns, the whole process must be seen as part of a peace effort.

The DP further added that the LDRCs could be co-ordinating centres for the neighbourhood watches/self protection units.

The recommendation regarding this issue was read out by the rapporteur(see addendum), and it was agreed the terms 'neighbourhood watches'/'self protection units' could be used interchangeably, moreover, the NPA refers to self protection units.

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The discussion on point 9.2.8 was started by the DP, which raised concern at the high level of violence, and how this was attributed to the bearing of arms, despite that fact that there were a number of people with licensed firearms. The DP therefore would like to link clauses 3.6.2-3.6.3 of the NPA, but would like to know whether different licensing procedures were suggested, or an amnesty to those who possessed illegal weapons to surrender them.

The ANC pointed out there was a tendency for people to be armed, not necessarily with firearms- but other weapons like pangas, cleavers, etc. How do the police get around this issue?
Have seen people bearing such arms at political gatherings-evidently in combat readiness.

The DP said the issue to grapple with is how all offensive weapons were to be gotten rid of.
The IFP said the police must disarm all those with dangerous weapons as this was criminal.

The NP said clause 3.6.4 of the Peace Accord dealt with dangerous weapons, and the government responded that this dealt only with the symptoms, and not the root causes, which were being addressed.

The SACP said what remained to be done with regard to the carrying of dangerous weapons in public was for the police to act. This should be linked with self protection units, but if they could be put in place and functioned properly.

The IFP raised issue with point 87 in the addendum of the minutes, and saw no reason about making noise about people carrying stupid sharpened sticks and axes, when these were less dangerous than AK47s, or okapi knives hidden in pockets. There needn't be any accusations, the police can simply disarm, these people.

The ANC wanted to know how the people mentioned were to be disarmed, and said it was high time those arrested with whatever weapon, then it be made public so that it could be

known who was bearing such weapons. This would help avoid accusations and counter-accusations. People must begin to fear carrying weapons.

The govt wanted to know from the SG whether stronger measures would be supported in dealing with the issue of dangerous weapons, including illegal weapons.

The IFP said when the police started the searches proposed, then there must be no accusations of police harassment when the police carried out searches on the basis of information received.

The ANC said it supported heavy sentences for the carrying of illegal weapons, and further pointed out that some people are pure criminals, acting under the cover of political activity. So serious measures certainly must be taken to deal with the problem, including searches.

The SACP wanted to know if people in communities riddled with violence and who were trying to find ways to protect themselves would be as harshly sentenced, and further said it found this problematic, as some people fight their way back to their communities after having fled due to violence.

The NIC/TIC said in principle agreed to the need for tougher action, but caution needed to

be exercised so as to avoid fuelling the fire. The proposed measures have the potential to worsen an already volatile situation. The solution would be joint control of the security forces.

The ANC said it understood the point as raised by the SACP on the need for joint control, but this should not stop any action against armed people.

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53. The Ciskei said since an approach to strengthen the NPA had been adopted, shouldnâ
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leaders jointly addressing their followers be adopted as well.

Draft Terms of Reference of the Working Group on the Role of the International Community

1.

The Context: International -

Both the Harare and the United Nations Declarations on South Africa anticipate a continuing role for the international community in the transition process towards a non-racial and democratic society in South Africa. The UN Declaration, adopted on 14 December 1989, requests the parties concerned in negotiations to conclude an "agreement on the role to be played by the international community in ensuring a successful transition to a democratic order".

The Context: National

The validity and acceptability of the process of transition and its recognition nationally and internationally will depend on the extent to which it is open and fair and provides for the full and effective participation of all sections of our society. ;

The Working Group will therefore need to analyse the extent to which it is possible to create the conditions for confidence building and consensus by relying solely on structures established by the parties in the All Party Congress.

In particular, the Working Party will need to refer to the process by which decision-making on a whole range of issues will take place, how deadlock will be broken and the extent to which it is possible to identify "watch dogs", relying solely on South Africa resources, who will ensure the compliance by the parties with agreements reached.

As far as mediation is concerned, the Working Party will need to discuss the extent to which there are parties inside our country which have the moral authority and the political power to act as an effective mediator and to ensure that binding decisions are arrived at and to enforce these decisions.

Finally, the Working Group will have to determine the extent to which effective supervision, monitoring or control can be exercised over the sensitive issues of security and law enforcement, the conduct of the whole electoral process, access to the publicly-owned media and decisions taken in relation to controversial matters.

Participation by the International Community

The Working Group must identify the most appropriate body or body of persons or organ of an international organisation which is best qualified or most appropriate to assist in the period of transition. The Working Group should recognise that different ad_hoc arrangements could be made for different purposes, depending on the specific objective or task to be dealt with.

The Working Group should therefore investigate the possibility of the involvement of the United Nations, the Organisation of African Unity, the Commonwealth and the Non-Aligned Movement and the extent to which any distinction ought to be made in the role of the international community in the period before elections for the constituent assembly and during the election period itself.

Modes of Participation by the International Community

The Working Group shall therefore investigate the extent to which the international community can assist in the transition period. The options available are not exclusively limited to the following:

(i) An investigation. of the possibility of an international guarantee concerning the process of transition and, in particular, a guarantee of recognition of a definitive election for the transfer of authority, providing that it is certified as fair and free;

(ii) The necessity or otherwise of a peace-keeping force in order to provide security, to ensure the maintenance of order and compliance with agreements reached by the parties;

(iii) The necessity or otherwise of the appointment of . a Special Representative in South Africa by the Secretary General of the United Nations or by any other acceptable body who could participate in the capacity of an observer in the talks and in the negotiations and the extent to which such a Special Representative could convene negotiations and submit mediating proposals to overcome deadlocks;

(iv) Whether a limited international presence could monitor and verify the compliance by the mandated authorities of the tasks and obligations assigned to them under the agreements and use its good offices in the case of disagreement on the interpretation and application of the agreements;

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whether international participation could be used
=o secure the impartiality of the transitional
government either by monitoring the operations of
such a government or by being included in the
â\200\234transitional or interim government as a "deadlock
breaker";

If the option of a peace-keeping force is
rejected, the extent to which international
participation could supervise and secure the

impartiality of the transitional security
mechanism. In particular, international
participation could also be utilised to expand
national commissions of inquiry or for the

Deployment of a UN or other international mission
of experts for effective investigation and
decision-making;

The extent to which UN or other international
participants could, if necessary, supervise and
control vital areas of national administration;

The extent to which the international community
could provide machinery for the independent
investigation of complaints against the security
forces and sensitive areas of administration;

the extent to which international participation
could assist a national electoral body and
composed of representatives of all political
parties - with the implementation of elections.
Such a role could involve the monitoring and
surveillance of the all aspects of importance for
the holding of free and free elections and the
securing of a climate free of intimidation and
fraud by a limited presence on the ground.
Finally, such a body could assist by providing
technical assistance and provide a conclusive
judgement on the character of the elections.

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Reporting Back

The Working Group shall report as expeditiously as possible to the plenary. The report shall, if necessary, include

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=icnal Congress, 28 November 1991

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LABOUR PARTY

SUBMISSION TO WORKING GROUP 1: CREATION OF A
CLIMATE FOR FREE POLITICAL PARTICIPATION AND

ROLE OF INTERNATIONAL COMMUNITY

SUBWORKING GROUPS

Subworking groups: itemusing of issues to be addressed in prionty sequence

1. Subworking Group A on Climate for Free Political Activities

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The amendment and/or repeal of any remaining laws militating against free political act
ivity,
including the elimination of all discnmmunatory legislation

d Political intimidation

e The termination of the use of mulitary and/or violent means or the threat thereof of
promoting

the objectives/views of a political party or organisation

J The funding of political parties

k The fair access to public facilities and meeting venues

oO The fostering of a spirit of tolerance amongst political parties

2. Subworking Group B on Violence, Security and Socio-Economic Conditions

g The successful implementation of the National Peace Accord

h The prevention of violence-related crime and matters giving nse thereto

l The composition and role of the secunty forces in South Africa and the TBVC states

m The need for an improvement in socio-economic conditions

3. Subworking Group C on Media, Mass Communication and Educative and liformative
Campaigns

f Political neutrality of, and fair access to State-controlled statutoonly instituted me
dia

(paricularly the SABC and SATV), including those of the TBVC states

The advisability of statutory provisions guaranteeing equal opportunity for all parties
to

establish and maintain their own means of mass communication

The role of intensive and continuous educative and informative campaigns in respect of
political tolerance, the working of democracy and the processes of CODESA

The advisability of fair and reasonable access for political parties to all potential v
oters,

wherever they may reside

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Subworking Group D on Matters Relating to Political Prisoners) Exiles

a The finalisation of matters relating to the release of political prisoners and political matters

b The return of exiles and their families

SCHEDULE OF MEETINGS FOR WORKING GROUP 1

Monday 27/04 Subgroup 3

Subgroup 2

Subgroup 1

Tuesday Steering Comm 08h30

Working Grp 1 Plenary 10h00

Friday 01/05 Steering Comm - Cape Town 15H00 -

Monday 04/05 Working Grp 1 Plenary 08h30 - 18h00

Tuesday 05/05 Steering Comm 08h30 - 18h00

k REPORT OF WG1 TO BE SUBMITTED TO MANAGEMENT COMMITTEE ON
TUESDAY 07/05/92